

THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 10/808,225 Confirmation No. : 5029
Applicants : MASLEID, Robert et al.
Filed : March 23, 2004
T.C./A.U. : 2814
Examiner : MAI, Anh

Title : Deep N-Well Capacitor
Docket No. : TRAN-P249

RESPONSE TO NOTICE OF NON-COMPLIANCE

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The Examiner Anh Mai alleges, in the communication of June 27, 2008, that Applicants' request for continued prosecution (RCE) filed December 27, 2007 is non-compliant because Applicants did not cancel the non-elected claims.


The Applicants elected with traverse and withdrew the non-elected claims in response to the outstanding restriction requirement. Applicants note that 37 CFR 1.144 permits Applicants

to defer a petition from a restriction requirement until allowance of the claims. In addition, 37 CFR 1.114 states that in response to the filing of an RCE "the Office will withdraw the finality of any Office Action and the submission will be entered and considered." In addition, the undersigned attorney had a telephone interview with the SPE for Art Unit 2814, Mr. Wael Fahmy on July 22, 2008. Mr. Fahmy agreed that the non-elected withdrawn claims do not need to be canceled and that Applicants' RCE that included a response to the outstanding rejections filed December 27, 2007 is compliant. Applicants therefore respectfully request that the Notice of Non-Compliance be withdrawn, that the finality of the last Office Action be withdrawn, and that Applicants' submission filed with the RCE be entered and considered.

The Commissioner is hereby authorized to charge any additional fees, which may be required for this amendment, or credit any overpayment, to Deposit Account 504160. In the event that an extension of time is required, or may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account 504160.

Respectfully submitted,
MURABITO, HAO & BARNES LLP

Dated: July 27, 2008

A handwritten signature in cursive script, reading "Eric J. Gash", is written over a horizontal line.

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